

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 6	Number 26	Effective Date 01/31/11	Review Date 2014
Subject SIGN LANGUAGE INTERPRETATION FOR DEAF AND HEARING-IMPAIRED PERSONS			☐ New Order ☒ Replaces G. O. 6-26, (12/19/06)
References CALEA <i>1.2.3a, 1.2.3b</i> VLEPSC <i>ADM.02.02j</i> Americans with Disabilities Act of 1990; Rehabilitation Act of 1973; Virginians with Disabilities Act			
 Chief of Police or Designee		01/31/11 Date	

I. PURPOSE

The purpose of this directive is to establish guidelines for providing interpretation services to persons who are deaf or hearing-impaired whose primary language is sign language.

II. POLICY

The Rehabilitation Act of 1973, the Virginians with Disabilities Act of 1985 and the Americans with Disabilities Act of 1990 prohibit discrimination against individuals with disabilities and require the provision of reasonable accommodation. Pursuant to these legal guidelines, it is the policy of the Richmond Police Department to provide or arrange for sign language interpreters when communicating with deaf or hearing-impaired arrestees or, upon request, for any eligible deaf or hearing-impaired person wishing to participate in or attend any program sponsored or presented by the Police Department.

III. DEFINITIONS

- A. **HEARING-IMPAIRED** – Persons who have difficulty hearing and comprehending spoken language. As victims, complainants or arrestees, persons who are deaf or profoundly hard of hearing may need the services of a qualified interpreter.
- B. **INTERPRETER** – The term “interpreter” refers to both interpreters and translators who facilitate communication between persons who are deaf or hearing-impaired and persons who are not hearing impaired.
- C. **NATIONAL CERTIFICATION DEFINITIONS:**

- 1. **CI** Certificate of Interpreting

2. CSC Comprehensive Skills Certificate
3. CT Certificate of Transliterating
4. MCSC Master Comprehensive Skills Certificate
5. OIC:C Oral Interpreter Certificate: Comprehensive
6. OIC:S/V Oral Interpreter Certificate: Spoken to Visible
7. OIC:V/S Oral Interpreter Certificate: Visible to Spoken
8. RSC Reverse Skills Certificate
9. SC:L Specialty Certificate: Legal
10. CDI Certified Deaf Interpreter
11. *NIC:A/M National Interpreter Certification, Advanced or Master*

IV. PROCEDURE

A. Procedure for Communicating with Deaf and Hearing-Impaired Persons Whose Primary Language is Sign Language:

1. If an arrestee has difficulty understanding or communicating orally with the officer and the officer suspects that the individual is deaf or hearing-impaired, the officer should attempt to determine the arrestee's mode of communication before contacting a sign language interpreter.

NOTE: Individuals who are either deaf or hearing-impaired may carry Visor or Wallet Alert Cards that will help the officer understand the best mode of communication with the individual. The Alert Cards are issued through the Virginia Department for the Deaf and Hard of Hearing (VDDHH) and identifies the bearer as deaf or hearing-impaired and recommends the best way to communicate, such as sign language, lip reading or writing.

2. In order to communicate effectively with a deaf or hearing-impaired arrestee, whose primary language is sign language, Richmond Police Department members will only communicate with the arrestee through a qualified interpreter as indicated below:
 - a) The officer shall document on the Rights Waiver Form (PD-75) that the accused, under federal law, was offered an interpreter at no cost and that any interview would be deferred pending the appearance of the interpreter at no cost to the accused.
 - b) At the earliest possible time after the arrest of a deaf or hearing-impaired person, the arresting officer shall communicate to the arrestee the Miranda Warning on the Rights Waiver Form (PD-75), using the interpreter as communication access.

B. Procedure for Presenting the Miranda Warning:

1. In order to satisfy the court that the accused understood his/her rights, the officer cannot merely show the Miranda Warning on a written form to the arrestee. Therefore, it will be necessary for an interpreter to explain these rights during any interview and questioning and during the taking of any statement.
2. The notice of the right to a sign language interpreter during all communication must be conveyed through a qualified interpreter at the earliest time after the arrest. After receiving such notice, the right to an interpreter may be waived only by the deaf or hearing-impaired arrestee through a qualified interpreter or written communication.
3. The burden of proof that the waiver was clearly understood rests with the police. In order to successfully satisfy this burden, the officer shall attempt to ensure that:
 - a) There is no problem in the communication; and,
 - b) The deaf or hearing-impaired arrestee has received notice of this right through a qualified sign language interpreter.
4. The deaf or hearing-impaired person who has waived his/her right to an interpreter may, at any time, request an interpreter. When this occurs, all questioning will cease until the arrival of a qualified sign language interpreter.

C. Procedure for Use of Qualified Sign Interpreter:

1. ***When the services of a sign language interpreter are required, a police supervisor shall be notified and must give approval for the Department member to either call an interpreter from the established list or contact the VDDHH.***
2. ***Requests for sign language interpreting services will be placed Monday – Friday, 0815 – 1700 hours, by calling the VDDHH at 662-9502. At all other times and during holidays, the approved list of On-Call Interpreters will be used. This listing can be obtained on-line at www.vddhh.org.***
3. When selecting an interpreter, the first choice should have an active Certificate of Interpreting (CI) or a Certificate of Transliterating (CT) or a Comprehensive Skills Certificate (CSC) by the Registry of Interpreters for the Deaf (RID). If the above listed interpreters are not available, other interpreters from the list shall be used who are approved by the VDDHH. Department members shall ask the interpreter to bring proof of their credentials at the time services will be provided and give an estimated time of arrival.
4. If a deaf or hearing-impaired victim or complainant communicates in sign language, the Department will provide a qualified sign language interpreter for him/her in situations where police personnel take statements and question the accused.

- D. The Department will provide a qualified sign language interpreter on request to any eligible deaf or hearing-impaired person wishing to participate in or attend any program sponsored or presented by the Department. *The Department will be billed later by the interpreter for their services.*
- E. Any sign language interpreter determined to be unqualified to interpret for a deaf or hearing-impaired individual shall be replaced with a qualified interpreter. The determination may be made by the Department or by the deaf or hearing-impaired individual.
- F. Many deaf persons possess a Reverse Skills Certificate (RSC) or are a Certified Deaf Interpreter (CDI). They are used when an intermediary interpreter is needed to assist in communicating with a hearing impaired person who has minimal language skills, both in English and sign language. They can be called upon to assist when deemed necessary by the interpreter or by Department members.
- G. All RID certified or VDDHH interpreters listed in the Directory of Qualified Interpreters for the Deaf and Hard of Hearing are sworn to a Code of Ethics assuring confidentiality and impartiality in any interpreting assignment.
- H. A VDDHH Approved On-Call List of Sign Language Interpreters will be maintained at the Warrant and Information Services Unit.

V. FORMS

PD-75, Right Waiver Form